

2855

Handwritten: \$6,000
6/15/03



CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper and the documents enclosed herewith are being deposited on the date indicated below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 25, 2003

Signature of Jonathan A. Platt
Jonathan A. Platt

Attorney Docket No. KICHP0102USA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Applicants: Kicher et al.

Serial No.: 09/603,935

Filed: June 27, 2000

Title: FLUID MEASURING DEVICE AND METHOD

Examiner: Charlene Dickens

Art Unit: 2855

RECEIVED
JUN - 1 2003
TECHNOLOGY CENTER 2800

REPLY TO RESTRICTION/ELECTION REQUIREMENT OF JUNE 4, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction/election requirement of June 4, 2003, Applicants submit the following remarks. In addition, eleven (11) pages of formal drawings are submitted herewith.

Restriction Requirement

Applicants select Group I, claims 1-53 and 60, drawn to a pressure transducer, in response to the restriction requirement of paragraphs 1-4. The selection is made without traverse.

Election of Species Requirement

Applicants provisionally elect Group I(b)(1), a device for measuring change in shape, the device including at least one strain gage, in response to the election of species requirement of paragraph 5. At least claims 1-38, 43-53, and 60 are believed read on the elected species, in that all of these claims may involve measuring change in shape using a least one strain gage. The election requirement is traversed for the reasons given below.

Deformation, change in shape, and strain are all highly interrelated concepts, as indicated by the two definitions below:

deformation - changing the shape of, as by stress.

strain - change in form or size, or both, resulting from stress or force.¹

Thus deformation involves change of shape, and strain is a change of form or size, such as in a deformation. When something deforms it changes in shape, and the stress or force that causes it to deform (change in shape) results in a strain (change in form or size) in the material. Deformation does not occur without some change in shape. Nor can a deformation or change in shape of a solid material occur without some strain in the material. All three concepts are so closely related that the same device may be considered as measuring deformation, measuring change in shape, and measuring strain, all from the same measurement! Since all of the concepts are so closely related, it is submitted that there is little or no additional effort in examining all three species at once, and withdrawal of the election of species requirement between species I(a), I(b), and I(c) is respectfully requested.

In addition, at least some of the subspecies listed for species I(b) are not distinct embodiments of the device, but rather may be utilized with all of the other subspecies. For example, a housing (subspecies I(b)(6)) may be used with all the other subspecies listed for species I(b). Similarly, a flow restriction (subspecies I(b)(7)) may be utilized with the other listed subspecies of species I(b). Therefore it is requested that the list of

¹Webster's New World Dictionary (2d College Ed.), pages 371 and 1406.

subspecies for species I(b) be modified so as to remove subspecies I(b)(6) and I(b)(7) as distinct subspecies.


Conclusion

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event that an extension of time is necessary, this should be considered a petition for such an extension. No fee is believed due with the filing of this paper. In the event any additional fees are due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Charge No. KICHP0102USA).

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 
Jonathan A. Platt
Reg. No. 41,255

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113
(216) 621-6165 (fax)

\\robs-2k\secretary\SEC109\Platt-ja\KICHP0102USA\IP0102USA.R01.wpd